



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,519	03/15/2001	Cheng Zhou	85160.926/T00066	6188
33438	7590	07/17/2006	EXAMINER	
HAMILTON & TERRILE, LLP			FELTEN, DANIEL S	
P.O. BOX 203518			ART UNIT	
AUSTIN, TX 78720			PAPER NUMBER	
			3693	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/810,519	<b>Applicant(s)</b> CHENG ZHOU	
	<b>Examiner</b> Daniel S. Felten	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/27/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Receipt of the response of the Restriction requirement electing Groups I and II as per agreed via a telephone conversation with Mr. Kent Chambers April 26, 2006. Thus claims 1-26 were chosen by the applicant without traverse and shall be examined upon their merits.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on August 27, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koppelman et al (US 2004/0039640) in view of Masi (US 6,105,001)

Art Unit: 3624

Koppelman discloses the limitations of applicant's invention that being a method for consolidating net payment and debt management using a computer system having a computer program product (see Abstract and 0030-0033) comprising:

--obtaining one or more ledger items for a distributor from a commission model (see fig. 2 (208), paras 0062-0063 and 0137-0140);

--generating compensation for said distributor by processing said one or more ledger items through one or more adjustment rules, wherein each of said one or more adjustment rules (210) operates on each of said one or more ledger items (208)(see fig. 2, paras 0062-0063 and 0137-140)

--obtaining repayment rules for any advances received by said distributor ( see paras 0069+);

--Koppelman discloses dividing said compensation into one or more distribution amounts for payment based upon one or more payment rules and repayment rules, into one or more accounts (databases) (see 0147-0158), but fails to disclose one or more accounts. Masi discloses an a commission management system electronic transfer of funds are distributed via accounts (Abstract, figs. 1 and 2, col. 1, lines 49-61; and col. 3, lines 20-40; and col. 3, lines 58+; and col. 4, lines 31-56 ). It would have been obvious for an artisan of ordinary skill in the art to modify integrate the account features of Masi into Koppelman to provide a convenient means by which a sales representative can get paid his/her commissions. An artisan of ordinary skill in the art would recognize that the accounts (e.g. credit accounts and debit accounts) disclosed in Masi are

Art Unit: 3624

notoriously old and well known to be used to distributed and/or transfer funds and Koppelman would have sought use the credit accounts and/or debit accounts for its convenience and efficiency to distribute commissions to a plurality of sales representatives. Thus such a modification would have been well within the ordinary skill of the art.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DSF  
July 07, 2006

Daniel S Felten  
Examiner  
Art Unit 3624